IN THE HIGH COURT OF BOMBAY AT GOA.

APPEAL FROM ORDER NO. 24 OF 2002
AND CIVIL APPLICATION NO. 157/2002.

1. Soma Barkelo Gaunkar,
   resident of Sanquelim, Goa.

2. Ramkrishna Sadayo Gaunkar,
   resident of Poriem, Sanquelim,
   Goa.

3. Devanand Mahadeo Gaunkar,
   alias Gholkar, resident of
   Chimulwada, Bicholim, Goa.

4. Shri Rajaram Mahadeo Rane,
   resident of Poriem, Sanquelim,
   Goa.

5. Vaman Ramaji Sawant,
   resident of Sanquelim, Goa.

6. Dattu Thakalo Sawant.

7. Shri Kasko Shiva Mhalsekar.

8. Shri Datta Pandurang Gurav.

9. Shri Rama Yesso Gurav.

10. Shri Gopal Sawalo Chari.

11. Shri Gajanan Dhakto Chari.

12. Shri Dasharath Mahadeo Sawant.

13. Krishna Sakharam Gosavi.

14. Shri Pandurang Tukaram Gaunkar.

15. Shri Mosso Mahadeo Gaunkar,
    all residing at Poriem,
    Sattari Goa, P.O. Sanquelim,
    Goa. ... Appellants.

VERSUS

1. Temple of Shree Devi Satchenchi
   Bumica and its affiliates
   of Poriem of Satari through its
   Managing Committee:-

   a) Shri Pratapsingh Raoji Rane
      Sardessai, resident of

Karapur, P.O. Sanquelim,
Goa.

b) Shri Bodio Pundalik Gaunkar
resident of Gholwada,
Poriem, Satari, Goa,
P.O. Sanquelim, Goa.

c) Shri Krishna Bombi Majik,
resident of Majikwada,
Poriem, Sattari Goa,
P.O. Sanquelim, Goa.

2. The Mamlatdar of Sattari and
Administrator of Temples of
Sattari, with office at
Valpoi, Sattari, Goa.

3. Shri Pratapsing Raoji Rane
Sardessai, resident of Karapur,
P.O. Sanquelim, Goa.

4. Shri Laxmanrao Vithu Rane,
resident of Poriem, Sanquelim,
Goa.

5. Shri Laxman Vithu Malik.

6. Shri Bhiso Satko Majik.

7. Shri Babi Goipal Majik.

8. Shri Kashinath Devgo Majik.

9. Shri Harischandra Bhatu Majik.

10. Shri Atma Kitlo Maji.

11. Shri Tukaram Shivalo Majik.

12. Shri Vishnu Gurav.

13. Shri Ramakant Gurav.

14. Shri Rama Bablo Gurav,
all residing at Poriem,
Sattari, Goa.

15. Shri Narayan Sadayo Pajankar,
residing at Dhavem, Sattari,
Goa, P.O. Valpoi, Goa. ... Respondents.

Mr. Amrut Kansar, Advocate for the Appellants.

Mr. A.N.S. Nadkarni, Advocate General with Mr. P.A. Kamat,
Addl. Government Advocate for the Respondent No.2.

Mr. H.D. Naik, Advocate for the Respondents No.5 to 10.

CORAM: P. V. KAKADE, J.

DATE: 21ST NOVEMBER, 2002.

ORAL ORDER:

Heard the learned counsel for both the sides and perused the Report.

2. The learned Trial Judge has observed in his Order (para 34) that the plaintiffs have no prima facie right to enter the 'Garbhakud' of the defendant No.1 Temple and that the managing committee of the Devasthan looks after the funds of the Devasthan and that the Mahajans have no grievance against the defendants No.5 to 11. Prima facie as the plaintiffs do not appear to be the Mahajans of the Temple, they do not appear also to have a say in the matters of the management of the defendant No.1.

3. On that basis, the application for temporary injunction was rejected by Order dated 29th December, 2001.

4. However, in my considered view instead of adjudicating this Appeal against the Order, it would be just and proper for this Court to issue directions to

expedite the hearing of the entire suit, which would be in the interest of both the parties because the question of entering the 'Garbhakud' has to be determined on merits at the time of final hearing of the suit.

5. The learned counsel for the respondents made a statement that they shall not prevent the plaintiffs from entering the Temple to worship the deity. However, it is made clear that the plaintiffs shall not be allowed at this stage to enter the 'Garbhakud' until and unless the issue is adjudicated by the lower Court on merits finally.

6. Therefore it is directed to the lower Court that the entire suit shall be taken up for final hearing on merits as early as possible and at any rate within one years from the date of this order so as to put the entire dispute at rest on merits.

7. With these observations, the Appeal from Order stands disposed of by consent of the parties. It is clarified that in view of these observations the order of the lower Court is not disturbed in any manner.

8. Civil Application also stands disposed of.

Liberty to the plaintiffs to move the lower Court if and when required for the purpose of performing religious rites in accordance with law.

P. V. KAKADE, J.

sl.